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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.18764 of 2019

and

Crl.M.P.No.9541 of 2019

1.Hemalatha @ Latha
2.Gunasekaran
3.Natarajan

...Petitioners/Accused No.1,3&4

Vs.

1. State by
The Inspector of Police,
Washermenpet Police Station,
Chennai - 600 021..
(Cr.No.60/2018)

...1st Respondent/Complainant

2. Rajasekar

...2nd Respondent/Defacto Complainant

Prayer:Petition filed under Section 482 of Cr.P.C., to call for the records and quash the First Information Report in Crime No.60 of 2018 on the file of the 1st respondent.

For Petitioners: Mrs.R.Hemalatha, Party-in-Person

For Respondents: Mr.S.Santhosh
Government Advocate (Crl.Side) for R1

: Mr.Karthikeyan for R2

O R D E R

The petitioner has filed this petition seeking to call for the records and to quash the FIR in Crime No.60 of 2018 on the file of the 1st respondent.

2.This petition has been filed to quash the complaint in Crime Number 60 of 2018 for an alleged offence under Sections 294(b) and 506(i) of IPC pending on the file of Washermenpet Police Station.



3. Normally, the Court will not entertain quashing of complaint unless and until the complaint is patternly frivolous. As far as, the present case is concerned, the defacto complainant is the husband of the accused who is the petitioner in person. The facts appear to be the petitioner herein, who married the defacto complainant on 09.12.2016 had fallen apart from the matrimonial life which has led to filing of the divorce petition in HMOP.No.4561 of 2018 on the file of the Family Court at Chennai on the ground of cruelty. When the said petition was contested by the petitioner herein some sort of settlement has been arrived between the parties, wherein, the parties have agreed to dissolve their marriage mutually by filing the petition for divorce by mutual consent with the husband/defacto complainant that she will withdraw the complaint in Crime No.60 of 2018 filed against the petitioner herein. It appears that due to some reasons the petitioner herein did not appear before the III Additional Family Court, Chennai, when the consent divorce petition in HMOP.No.4979 of 2019 was called. Therefore the said petition for divorce by mutual consent was dismissed. It also appears that earlier divorce petition filed by the defacto complainant also came to be dismissed for default.

4. In the said circumstances, on perusing the papers and taking judicial note of the fact that attempt for mediating the dispute has failed, this Court is of the view that the parties have to work out their remedy before the Court by submitting themselves to the process established under law and the complaint filed by the husband, which is now sought to be quashed has to be enquired in the manner known to law and to reach the logical end, the said process cannot be short circuited by entertaining the petition under Section 482 to quash the complaint.

5. Accordingly, this Criminal Original petition is dismissed and the petitioner shall co-operate with the enquiry and face the trial if any, and get the result. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

drl/sma



To

1. The Inspector of Police,
Washermenpet Police Station,
Chennai - 600 021.

2. The Public Prosecutor,
Madras High Court.

+1cc to Mr.G.Suresh, Advocate, S.R.No.13906

CrI.O.P.No.18764 of 2019
and
CrI.MP.No.9541 of 2019

GJ(CO)
RGA(16/03/2022)